

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:95CR132

UNITED STATES OF AMERICA

VS.

MICHAEL LEROY DARITY

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ORDER

**THIS MATTER** is before the Court *sua sponte*.

The Defendant's original prison term of 384 months was reinstated by the undersigned on April 16, 2002, pursuant to remand from the Fourth Circuit Court of Appeals, for his conviction of conspiracy to possess with intent to distribute cocaine base. **Amended Judgment in a Criminal Case, filed April 16, 2002.** On May 18, 2009, the Probation Office filed a Supplement to the Defendant's presentence report pursuant to the Crack Cocaine Guideline Amendment. **Supplement to the Presentence Report, filed May 18, 2009.** The Probation Office advises that although Defendant is eligible for a two-level reduction in his offense level pursuant to Amendment 706, his guideline range remains 360 months to life

imprisonment. *Id.* Therefore, the Probation Office has determined the Defendant would not receive a reduction in his sentence. *Id.* Because this recommendation is adverse to the Defendant, the Court will require a response from counsel.

**IT IS, THEREFORE, ORDERED** that Defendant's counsel file response to the Supplement to the Presentence Report within 45 days from entry of this Order.

Signed: May 20, 2009

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

